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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 13

Application Number: 09/788,636
Filing Date: February 21, 2001
Appellant(s): KNOFF, ERIC ANDREW

RANDY W. LACASSE
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/3/2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 8/29/2003 has been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows: The Amendment "After final" filed on 8/29/2003 should have been entered and has been corrected, thus issue 1) regarding entry of the amendment is moot. Therefore the only issue remaining is 2) Was a proper rejection made under 35 U.S.C. section 103(a) using existing USPTO guidelines?

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because allowed claim 43 is distinct from the grouped claims, being allowed for reasons of its distinctness.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,790,371	LATOCHA ET AL	8-1998
5,574,625	OHGAMI ET AL	11-1996

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1, 3, 5-7, 9-15, and 17-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Latocha et al. in view of Ohgami et al. (5574625).
2. **As in clam 1, Latocha et al. teaches of** a portable computer display device including one or more mating sections for docking with similar portable computer display devices, **figure 3a, column 3 lines 23-30**, said display device comprising: a computer display with associated supporting cabinet structure, **figure 3a, column 1 lines 42-67, column 2 lines 23-30**, said supporting cabinet additionally comprising one or more structural connectors for structurally mating to said similar device, **figure 3a**; at least one electrical connector disposed within said associated supporting cabinet structure and proximate to said one or more exterior sides, said at least one electrical connector capable of connecting in a mating relationship with a corresponding electrical connector in said similar portable display device, said one or more exposed display edges abutting in a substantially coplanar configuration to a corresponding

exposed display edge of said second similar portable device when said electrical connectors are connected and said computer display logically re-mapped to be part of a single display comprising the displays of both devices, **figure 3a, column 2 lines 1-25, column 4 lines 3-12**. Wherein Latocha et al. teaches of PDA being adapted with a mating male and female plug device on the side of said device, wherein the two PDA devices combine to form a larger working space, made out of the combined displays, wherein the computer software allows the PDA's to share information and drives the displays as one display area. **However Latocha is silent as to teaching** said associated supporting cabinet structure having one or more movable exterior sides where one or more corresponding edges of said display are selectively exposed, said edges exposed by removing or temporarily displacing one or more of said movable exterior sides which protect said one or more exposed display edges. The idea of protecting computer mating or docking ports from physical damage with a selective port cover is well known in the art. **Ohgami et al. teaches of** a portable information processing apparatus having multiple port covers for selectively exposing said ports, **figure 7 item 22**, wherein as is well known a cover is adopted to cover the port when not in use, for the purpose of protecting the port from physical damage. Latocha teaches modular displays, conventionally of the type suggested by Ohgami, and it would therefore make good design choice to adapt the device of Latocha with selective port covers as taught by Ohgami to protect the ports while not in use, from physical damage. The know means to protect the port from physical damage is suggested by the obvious teachings of Ohgami. **It would have therefore been obvious to the skilled artisan at the time of the invention to modify the device of Latocha to include a movable port cover as suggested by Ohgami, for purposes of covering the port/plug when not in use, from physical damage, as is commonly known in such portable devices, as found in claim 1. Based on knowledge available to the skilled artisan, any edge cap or cover can be retrofitted to the device of Latocha to sufficiently read on the Appellants claimed invention.**

3. **As in claims 14, Latocha et al. teaches of** a portable computing device including a display having a display surface, said device capable of being mated with a similar device such that the display surfaces of each device functionally form a single display surface, **figure 3a, column 2 lines 1-15**, said device comprising: a housing having a top surface enclosing said

display, **figure 3a**, a bottom support surface and a plurality of side surfaces connecting said top surface and said bottom support surface, **figure 3a**; said plurality of said side surfaces comprising one or more fixed surfaces, **figure 3a, column 2 lines 1-15, column 3 lines 25-35, column 4 lines 5-15. However Latoch is silent as to teaching** one or more movable surfaces, and wherein when movable surfaces are moved, said device is receptive to being physically mated in a substantially coplanar fashion to said similar device as to form said single display. The idea of protecting computer mating or docking ports from physical damage with a selective port cover is well known in the art. **Ohgami et al. teaches of** a portable information processing apparatus having multiple port covers for selectively exposing said ports, **figure 7 item 22**, wherein as is well known a cover is adopted to cover the port when not in use, for the purpose of protecting the port from physical damage. Latocha teaches modular displays, conventionally of the type suggested by Ohgami, and it would therefore make good design choice to adapt the device of Latocha with selective port covers as taught by Ohgami to protect the ports while not in use, from physical damage. The known means to protect the port from physical damage is suggested by the obvious teachings of Ohgami. **It would have therefore been obvious to** the skilled artisan at the time of the invention to modify the device of Latocha to include a movable port cover as suggested by Ohgami, for purposes of covering the port/plug when not in use, from physical damage, as is commonly known in such portable devices, as found in claim 14.

4. **As in claim 25, Latocha et al. teaches of** a portable computer display device including one or more mating sections for docking with similar portable computer display devices, **figure 3a**, said display device comprising: a computer display with associated supporting cabinet structure having a display surface, **figure 3a**; at least one electrical connector disposed within said side section along said edge, **figure 3a**; at least one physical mating element disposed on said cabinet along said exterior side, **figure 3a**; wherein said electrical connector and mating element are disposed such that when said device is docked with a second similar portable display device via a mating electrical connector and a mating element disposed along a side of said second device having a corresponding exposed display edge, said display edges are substantially contiguous and the display surfaces of said devices are substantially coplanar,

figure 3a, column 5 lines 48-67. However Latocha is silent as to teaching said associated supporting cabinet structure having one or more movable side sections where a corresponding edge of said display is selectively exposed by displacing a movable side section. The idea of protecting computer mating or docking ports from physical damage with a selective port cover is well known in the art. **Ohgami et al. teaches of** a portable information processing apparatus having multiple port covers for selectively exposing said ports, **figure 7 item 22**, wherein as is well known a cover is adopted to cover the port when not in use, for the purpose of protecting the port from physical damage. Latocha teaches modular displays, conventionally of the type suggested by Ohgami, and it would therefore make good design choice to adapt the device of Latocha with selective port covers as taught by Ohgami to protect the ports while not in use, from physical damage. The know means to protect the port from physical damage is suggested by the obvious teachings of Ohgami. **It would have therefore been obvious to** the skilled artisan at the time of the invention to modify the device of Latocha to include a movable port cover as suggested by Ohgami, for purposes of covering the port/plug when not in use, from physical damage, as is commonly known in such portable devices, as found in claim 25.

5. **As in claims 26, Latocha et al. teaches of** wherein said computer display is logically re-mapped when connected to said second similar portable computer display device to be part of a single display comprising the displays of both devices, column 1 lines 60-67, column 3 lines 25-35. **As in claims 3 and 27**, Latocha et al. teaches of wherein said portable computer display device shares processing power when connected to said similar portable computer display device, column 3 lines 15-35. **As in claim 5**, Latocha et al. teaches of a wherein said display is substantially rectangular in shape and a first one of said two exterior sides extends along a length of said display while a second one of said two exterior edges extends along a width of said display, figure 2b. **As in claims 6 and 28**, Latocha et al. teaches of wherein said portable display device is connected to said similar portable display device along said first one of said two exterior sides providing a portrait orientation display, figure 1a-f. **As in claims 7 and 29**, Latocha et al. teaches of wherein said portable display device is connected to said similar portable display device along said second one of said two exterior sides providing a

landscape orientation display, figure 1b. **As in claims 11 and 33**, Latocha et al. teaches of wherein data processed by said connected devices is synchronized prior to disconnection of said devices, column 1 lines 61-67. **As in claim 12**, Latocha et al. teaches of wherein said device further comprises one or more structural connectors for structurally mating said device to said similar device, figure 1c and 3a. **As in claim 13**, Latocha et al. teaches of wherein said device abuts in a substantially coplanar configuration, figure 3a,b.

6. **As in claim 15**, Latocha et al. teaches of remapping the displays into a single display, column 1 lines 60-67, column 3 lines 25-35. **As in claims 17-20**, Latocha et al. teaches of said mating plug being on a plurality of sides, and therefore it would also be obvious to have movable port covers on a plurality of sides, as suggested by Ohgami et al., making it possible to assume the portrait or landscape orientations. **As in claims 21-23**, Ohgami et al. teaches of said removable, foldible, hinged port cover, figure 2 items 22 and 32, wherein it would have been obvious to allow access to the ports of Latocha et al., given the well known port cover usage. **As in claim 24**, Latocha et al. teaches of said device synchronized data by said mated devices prior to disconnection, column 1 lines 60-67, column 2 lines 1-15. **As in claims 9-10 and 30-32**, Latocha in view of Ohgami et al. teaches of said removable, foldible, hinged port cover, figure 2 items 22 and 32, wherein it would have been obvious to allow access to the ports of Latocha et al., given the well known port cover usage.

(11) Response to Argument

1 – Appellant argues reasons for non-entry of the amendment “After Final” where not proper.

The Examiner is in agreement and has entered the amendment.

2 – Was a proper rejection made under 35 USC 103(a) using existing USPTO guidelines?

a) Latocha fails to disclose or even suggest the claimed removal of a frame.

The Examiner agrees. Latocha fails to teach the removal of a frame! The Reference Ohgami et al. is used for the teaching of a removable frame cover. The Appellant argues a moot point given this assertion on what Latocha teaches was never claimed by the Examiner. Such a feature would be obvious to the skilled artisan based on knowledge of the art, for the purpose of implementing the teaching of Latocha such that the device is not highly susceptible to damage from the external environment. Any cap or cover can be retrofitted to the device of Latocha to sufficiently read on the Appellants claimed invention.

b) Latocha does not provide, suggest or even have the basic need for this claimed function.

The Examiner disagrees. While Latocha's invention does not provide or suggest the removable frame, such a removable frame would have been obvious to the skilled artisan given the need to protect the devices mating ports from damage. Providing computer mating port covers, or as claimed by the Applicant, the removal of a frame, for the purpose of protecting the interface form dust, debris, or damage, is very logical given the exposure of the mating ports on the side of the device, as shown in Latocha's figure 3a items fm and m. Given a specific configuration, such as that shown in figure

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1f, a device would require mating ports on all four sides of the device. However the device with mating ports on all four sides, may only require one side for mating as shown in figure 1b, and leave three pairs of mating ports exposed. Leaving the ports exposed to the external environment when not in use leaves them most susceptible to harm, and therefore it would have been obvious the skilled artisan the provide a selectively removable frame port cover.

c) Ohgami does not disclose or suggest removal of a frame to expose the display edges for abutment.

The Examiner agrees. While Ohgami does not disclose a frame to expose for abutment, Ohgami does disclose removal of a frame used for the purpose of protecting its ports. Ohgami was not used by the Examiner to teach abutment. The Appellant argues a moot point given the context of the Examiners rejection. Ohgami was used to teach the fact that portable display devices include selectively removal frame port covers. The abutment feature is not only inherent to the device of Latocha, it is the prime focus of the invention, and therefore adapting a mating port frame cover for the device of Latcoha would obviously facilitate such an abutment feature.

d) Ohgami does not provide the required ability to mate two display devices even when exposed.

The Examiner agrees. While Ohgami does not provide the required ability to mate two display devices even when exposed, the Examiner has not attempted to claim

such. This point is moot given the given the fact that Ohgami is used solely for the teaching of a portable display device having a selectively removable port cover as in known in the art. The ability to mate two display devices is main feature of Latocha as shown in the above rejection.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

e) The Examiner provides a non-analogous motivation to combine.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). **In this case**, the motivation to combine references is found in the knowledge generally available to one of ordinary skill in the art, given the suggested use of the device taught by Latocha, and the obvious need to protect the main feature of the device, as known in the art, as generally shown by Ohgami. The motivating factor to modify Latocha is to protect that which Latocha

provides as a main feature, the capacity for abutment. If the ports should be damage given the exposure and susceptibility to the external environment, the device will be rendered inoperative as intended by Latocha. Ohgami was combined to simply show that it is known in the art to selectively cover mating ports.

f) Adding covers to the ports of Latocha would make Latocha inoperative.

The Examiner disagrees. Adding covers to the ports of Latocha would obviously protect the ports when not in use. As shown in Ohgami the cover can be opened or separated from its closed position to its opened position, as known in the art. Said separation reads on said removable frame. Further the cover of Ohgami is shown to be hingedly attached and can obviously be un-hinged or removed, as known in the art.

g) How they would be movably operable, and which specific sections would be removable, or have the ability to be folded are not defined and would require undue experimentation.

As shown in figures 4, 5, 7, 8, and 9, Ohgami shows several ways of providing for removably operable port covers, removing the need for undue experimentation. The skilled artisan would look to the known art without the need for experimentation. Ohgami is one example of the known art of record in the Appellants, case in chief, however other prior art of record not relied on by the Examiner for the rejections would likewise reduce the need for undue experimentation.

h) The claims specifically require that the movable exterior sides protect said one or more exposed display edges, not the mate ports.

The mating ports on the device as taught by Latocha are exposed on the display edges as shown in figure 3a items fm and m, and therefore ports adapted to cover these ports would be fitted around the display edges given the design shown. The structure of the Latocha design would require that the adapted movable cover protect one or more exposed display edges as claimed.

i) Latocha does not suggest protection of display edges.

The mating ports on the device as taught by Latocha are exposed on the display edges as shown in figure 3a items fm and m, and therefore ports adapted to cover these ports would be fitted around the display edges given the design shown. The structure of the Latocha design would require that the adapted movable cover protect one or more exposed display edges as claimed.

j) Ohgami fails to teach wherein said one or more movable surfaces are removable.

As shown in Ohgami the cover can be opened or "separated" from its closed position to its opened position, as known in the art. Said separation reads on said removable frame. Further the cover of Ohgami is shown to be hingedly attached and can obviously be un-hinged or removed, as known in the art.

k) Ohgami fails to teach of “two movable surfaces”, one along the width, the other along the length.

As explained above, given the device of Latocha is designed to have mating ports on multiple sides of the device, said frame port cover would be adapted for each side, and therefore the two movable surface would necessarily be adapted along the width and sides, as claimed.

l) Ohgami fails to teach of synchronization before disconnection.

Ohgami is not used in the rejection for this synchronization teaching so the Appellants point is moot. Latocha teaches of synchronization based on the connection and disconnection of two or more devices. Latocha teaches the two or more display screens are synchronized to become one unified display., using the combined surface area to display one unified image.

Summary

The Appellants arguments are against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. The Appellant argues the references in a way that has little to due with the Examiners specific combination of teachings extracted from each reference.

Based on the knowledge available to the skilled artisan, it would have been obvious to adapt frame mating port covers to the device of Latocha, who's main feature is the abutment of two or more devices to form a synchronized and unified image on the combined surface area of the two or more devices, for the purpose of protecting the mating ports from exposure to the external environment as known in the art. Ohgami is used to teach computer device mating ports are known to be provided with port covers. Failure to make such an frame adaptation in the device of Latocha would leave the device highly susceptible to damage that can cause inoperability in the device. The solution to this susceptibility to damage is known in the art and can be adapted without the need for undue experimentation, given the numerous examples of such frame cover features. **Any edge cap or cover can be retrofitted to the device of Latocha to sufficiently read on the Appellants claimed invention.**

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

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December 1, 2003


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